

REMARKS

In the Office Action, the Examiner indicated that Claims 1 through 11 are pending in the application and the Examiner rejected all claims.

Rejection of Claims 1-11

On page 2 of the Office Action, the Examiner rejected Claims 1-11 under 35 U.S.C. §103(a) as being unpatentable over Waldmeier (U.S. Patent No. 4,275,810) in view of Elliot (U.S. Patent Application Publication No. US2002/0164993).

The Present Invention

The present invention discloses a portable device for receiving an electronic component used for wireless communications, such as a wireless transmitter or receiver. Specifically, claim 1 recites “an electronic component which receives and transmits wireless signals” (line 4). The portable device includes a body for accommodating the electronic component. The portable device further includes an upper case and a lower case, each having a cavity. Claim 1 further recites “a portable device body for accommodating and enclosing the electronic component therein, the portable device including an upper and a lower case, each having a cavity and being made of a non-metal material which permits receipt and transmission of wireless signals therethrough for communication with the electronic component” (lines 5-8). A holding member holds the peripheral portions of the upper case and the lower case such that the upper case and lower case are connected to each other with the cavities opposed to each

other, creating a space for storing and completely enclosing the electronic component. By removing the holding member, the upper case can be removed from the lower case and the electronic component can be removed.

U.S. Patent No. 4,275,810 to Waldmeier

U.S. Patent No. 4,275,810 to Waldmeier teaches a secure package for transport of precious stones. The package comprises a two part transparent core defining a first space for receiving the stone and a second space for receiving a data carrier such as a microfilm containing all of the identification information for the stone. The core is held together by a two part ring which can be separated only upon destruction of the package or the information carried thereby. Additionally, one or both of the two parts of the outer ring can be provided with an electronic circuit having a terminal which can be connected to a monitoring or reading device such that the circuit can provide indicia of the contents of the package. The Examiner acknowledges that Waldmeier fails to disclose "permitting receipt and transmission of wireless signals therethrough for communication with the wireless component".

U.S. Patent Application Publication No. 2002/0164993 to Elliot

U.S. Patent Application Publication No. 2002/0164993 to Elliot teaches a system in which a location of a mobile device can be monitored to ensure that the mobile device is traveling on a predetermined path and has not traveled outside of a predetermined geographical region. If the mobile device deviates from the predetermined path, a monitoring device can alert

the mobile device and relay a new optimal path to reach the desired destination. If the mobile device approaches or travels outside of a specified geographical region, both the mobile device and a third party can be alerted. The Examiner relies on Elliot for an alleged teaching of an electronic component receiving and transmitting wireless signals.

The Examiner Has Not Established a *Prima Facie* Case of Obviousness

As set forth in the MPEP:

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to modify the reference or to combine reference teachings.

MPEP 2143

As stated above, the presently claimed invention is a portable device used to house an electronic component capable of wirelessly transmitting and receiving signals. One practical application of the present invention is a wireless car entry system where the wireless device used to enter the car is enclosed in a protective casing to prevent damage to the electronic component while still allowing the transmission and receipt of wireless signals to/from the electronic component. This feature, enclosing the electronic component while still allowing wireless signal transmission and receipt at the electronic component patentably defines the present invention as novel over the prior art of record, including Waldmeier and Elliot.

The Examiner asserts that Waldmeier inherently permits receipt and transmission of wireless signals for communication with an electronic device enclosed in a portable device body. However, Waldmeier is completely silent with regards to the idea of wireless

communications. There is no evidence present in Waldmeier that would suggest the portable package taught by Waldmeier would permit receipt and transmission of wireless signals. Two important pieces of the package of Waldmeier are two strong, metal rings used to clamp the package together and prevent opening of the package without destroying a security device. There is no teaching that the housing body, being clamped together with these two metal rings (integral to the packaging of Waldmeier), would allow receipt and transmission of wireless signals. One of ordinary skill in the art of wireless communications would understand that the metal components of Waldmeier, if not properly integrated, could prevent wireless communications.

Additionally, Waldmeier teaches away from wireless communications by including a data carrier with electronic terminals that extend to the exterior of the package for accessing the information stored on the data carrier. Any connection to the data carrier must be made via connection to these data access terminals. Thus, communication in Waldmeier is not conducted via wireless signals; rather the communication is performed via connection of wires through data access terminals. Despite the disclosure of an alternative embodiment of Waldmeier, there is no suggestion for wireless communication, nor any suggestion of adding wireless communication to Waldmeier.

The addition of the teachings of Elliot to Waldmeier fails to teach or reasonably suggest the presently claimed invention. The teachings of Elliot are exclusively directed towards wireless communication with a mobile device, and using geographically placed antennas to locate and track that device. Elliot provides no information on the construction of the wireless

device itself, just that it is in fact a wireless device. Nor does Elliot teach or reasonably suggest enclosing a wireless device in a portable, protective housing. Applicants are not claiming that wireless communication with an electronic component is novel, rather Applicants are claiming the combination of the wireless electronic component with a portable device body and a holding member, the portable device body being made from a non-metal material and configured such that the electronic component is housed within the portable device body and capable of wireless receipt and transmission of wireless signals through the portable device body as claimed is novel. There is no suggestion in Elliot to modify a package for safely transporting precious stones, such as that taught by Waldmeier, to include a wireless electronic component. And as is discussed above, there is no suggestion in Waldmeier to include wireless communication. For these reasons, Waldmeier and Elliot, whether considered alone or in combination, fail to teach or suggest the claimed invention.

The Examiner is respectfully requested to reconsider and withdraw the rejections of Claims 1-11 under 35 U.S.C. §103(a) based on the combination of Waldmeier in view of Elliot.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

PATENT
Application No. 10/762,805

Docket No. 27,540 USA
Page 7

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted

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Date



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